

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re:

CARLOS GUILLERMO GUEVARA
MARIA EUGONIA GIRALDO,

CASE NO.: 15-34384-KRH
CHAPTER 13

Debtors.

OBJECTION TO CONFIRMATION (AMENDED CHAPTER 13)
AND NOTICE OF OBJECTION AND HEARING

TO THE HONORABLE JUDGE KEVIN R. HUENNEKENS:

Deutsche Bank National Trust Company, as Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1 (“Deutsche Bank”), a secured creditor of the Debtors, by counsel, respectfully objects to the Debtors Amended Chapter 13 plan (hereinafter “the plan”) with regard to the real property located at 2113 Pemberton Rd, Richmond, VA 23238-2903, on the following grounds, to wit:

1. The Debtors filed for relief pursuant to Chapter 13 on August 21, 2015.
2. Suzanne E. Wade was appointed Chapter 13 Trustee.
3. That the plan does not provide for payments to Deutsche Bank as a secured creditor.
4. Deutsche Bank is a secured creditor holding a valid lien on the aforesaid real

property in the amount of \$112,395.46. A Proof of Claim identifying Deutsche Bank was filed herein on or about September 9, 2015 to which no objection has been made.

Carl A. Eason, Esquire
Counsel for Deutsche Bank
Wolcott Rivers Gates
200 Bendix Road, Suite 300
Virginia Beach, VA 23452
bankruptcy@wolriv.com
(757) 497-6633
VSB #18636

5. That Schedule D provides for a value of the real property and improvements in excess of \$268,400.00. The value of the property and improvements is in excess of \$312,000.00.

6. The plan as proposed is not feasible.

7. The debtor has indicated that a lien avoidance action would be filed since its first plan on August 24th, 2015 but has failed to do so.

WHEREFORE, Deutsche Bank objects to the Amended Chapter 13 plan and moves this Court to deny confirmation of the same.

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS CERTIFICATE TRUSTEE ON BEHALF OF
BOSCO CREDIT II TRUST SERIES 2010-1

By: /s/ Carl A. Eason
Of Counsel

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In Re:

CARLOS GUILLERMO GUEVARA
(SSN xxx-xx-2260)
MARIA EUGONIA GIRALDO
(SSN xxx-xx-5553)

CASE NO.: 15-34384-KRH
CHAPTER 13

Debtors,

P.O. Box 720279
Jackson Heights, NY 11372

NOTICE OF OBJECTION AND HEARING

Deutsche Bank National Trust Company, as Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1 has filed papers with the Court objecting to your Amended Chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to deny confirmation of your plan, or if you want the court to consider your views on the objection, you or your attorney must:

- ☒ File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond VA 23219-3515

You must also mail a copy to:

Carl A. Eason, Esquire
200 Bendix Road, Suite 300
Virginia Beach, VA 23452

Richard J. Oulton, Esquire
8501 Mayland Drive, Suite 106
Henrico, VA 23294

Suzanne E. Wade, Esquire
P.O. Box 1780
Richmond, VA 23218-1780

- ☐ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**
- ☒ **Attend the hearing on the objection scheduled to be held on December 22, 2015 at 11:10 a.m. at United States Bankruptcy Court, 701 East Broad Street, Courtroom 5000, Richmond, VA.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the objection to confirmation.

Date: November 17, 2015

/s/ Carl A. Eason
Carl A. Eason, Esquire
200 Bendix Road, Suite 300
Virginia Beach, VA 23452
(757) 497-6633
Virginia State Bar No. 18636
Counsel for Deutsche Bank

CERTIFICATION OF SERVICE

I hereby certify that on the 17th day of November, 2015, a true copy of the foregoing Objection to Confirmation and Notice of Objection and Hearing was mailed or electronically transmitted to Richard J. Oulton, Esquire, 8501 Mayland Drive, Suite 106, Henrico, VA 23294, counsel for debtor; to Suzanne E. Wade, Esquire, P.O. Box 1780, Richmond, VA 23218-1780, Trustee; and to the debtor, P.O. Box 720279, Jackson Heights, NY 11372.

/s/ Carl A. Eason